

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA  
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6	IN THE MATTER OF:	:
7	S & L, LLC,	:
8	t/a Midnight Delicatessen	: Show Cause
9	4701 Georgia Ave., NW	: Hearing
10	License #ABRA-95044	:
11	Retailer Class B	:
12	ANC-4D	:
13	No ABC Manager on Duty	:

14 - - - - -X

15 Wednesday, September 07, 2016

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17               Whereupon, the above-referenced matter  
18    came on for hearing at the Alcoholic Beverage  
19    Control Board, Reeves Center, 2000 14th Street,  
20    N.W., Suite 400S, Washington, D.C. 20009.

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1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

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4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12 ZACHARY SHAPIRO,

13 On behalf of the District of Columbia

14 LEMMA DESALEGNE,

15 On behalf of Midnight Delicatessen

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1 P R O C E E D I N G S

2 [10:54 a.m.]

3 MR. DONOVAN W. ANDERSON: All right. We  
4 now move on to a -- our show cause hearing  
5 calendar. The first case in our show cause  
6 hearing calendar is Case #16-CMP-00103, Midnight  
7 Delicatessen, License #95044. Will the parties  
8 please approach and identify themselves for the  
9 record, please?

10 MR. ZACHARY SHAPIRO: Thank you. Good  
11 morning. Zachary Shapiro, Assistant Attorney  
12 General, on behalf of the District of Columbia,  
13 and that's spelled Z-a-c-h-a-r-y S-h-a-p-i-r-o.

14 MR. DONOVAN W. ANDERSON: Can you please  
15 identify yourself for the record, sir?

16 MR. LEMMA DESALEGNE: My name is Lemma  
17 Desalegne.

18 MR. DONOVAN W. ANDERSON: How -- how do  
19 you spell your first name?

20 MR. LEMMA DESALEGNE: L-e-m-m-a.

21 MR. DONOVAN W. ANDERSON: And your second  
22 -- your last name?

1 MR. LEMMA DESALEGNE: Last name is  
2 Desalegne -- Desalegne.

3 MR. DONOVAN W. ANDERSON: And can you  
4 write your -- your -- spell your first name and  
5 write it on the sheet in front of you, sir?

6 (Off-mic speaking)

7 MR. LEMMA DESALEGNE: D-e-s-a-l-e-g-n-e.  
8 (Off-mic speaking)

9 MR. DONOVAN W. ANDERSON: Now, sir, are  
10 you the owner of the establishment? Are you the  
11 new owner?

12 MR. LEMMA DESALEGNE: No, the  
13 establishment -- uh, the old.

14 MR. DONOVAN W. ANDERSON: You're who,  
15 what?

16 MR. LEMMA DESALEGNE: The old one.

17 MR. DONOVAN W. ANDERSON: Oh, the old  
18 owner?

19 MR. LEMMA DESALEGNE: Yeah.

20 MR. DONOVAN W. ANDERSON: And --

21 MR. ZACHARY SHAPIRO: He's -- he's the  
22 current owner. There's a transfer in process. The

1 new owner -- or the transferee is also here, as  
2 well, but the license is currently in --

3 MR. DONOVAN W. ANDERSON: I don't have --  
4 I -- the name that I have as the owner is Mr. S-  
5 e-d-l-e- --

6 MR. LEMMA DESALEGNE: Seldeh (phonetic)?

7 MR. DONOVAN W. ANDERSON: Yes.

8 MR. LEMMA DESALEGNE: She's my partner,  
9 S&L.

10 MR. DONOVAN W. ANDERSON: All right.

11 MR. ZACHARY SHAPIRO: I just checked  
12 their records.

13 MR. DONOVAN W. ANDERSON: All right. I  
14 just want to, um, make sure, sir: Do you have  
15 any, um -- do you have any language issues, or  
16 are you able to move forward in this hearing in -  
17 - um, in English?

18 Mr. LEMMA DESALEGNE: Yes.

19 MR. DONOVAN W. ANDERSON: All right. So,  
20 there are no language barriers?

21 MR. LEMMA DESALEGNE: No.

22 MR. DONOVAN W. ANDERSON: Okay. Fine. All

1 right. Mr. Shapiro, are there any preliminary  
2 matters in this case?

3 MR. ZACHARY SHAPIRO: Yes, there's an  
4 offer in compromise.

5 (Off-mic speaking)

6 MR. DONOVAN W. ANDERSON: All right. I  
7 was not aware of that. So, what is the offer --  
8 What -- What -- what's --

9 MR. ZACHARY SHAPIRO: Recently involved.

10 MR. DONOVAN W. ANDERSON: -- the OIC?

11 MR. ZACHARY SHAPIRO: It is a fine of  
12 \$650, payable in 30 days or the license will be  
13 suspended.

14 MR. DONOVAN W. ANDERSON: All right. Mr.  
15 -- your name again, sir, please?

16 MR. LEMMA DESALEGNE: Lemma, L-e-m-m-a.

17 MR. DONOVAN W. ANDERSON: Your -- your  
18 last name.

19 MR. LEMMA DESALEGNE: Desalegne, D-e-s-a-  
20 l-e-g-n-e.

21 MR. DONOVAN W. ANDERSON: Mr. Desalegne.

22 MR. LEMMA DESALEGNE: Yes.

1           MR. DONOVAN W. ANDERSON: All right. It's  
2 my understanding that there is an offer in  
3 compromise of a fine of \$650, payable in 30 days,  
4 and if it's not payable in 30 days, the license  
5 will be suspended until the -- the fine has been  
6 paid. Is this your understanding, sir, of the  
7 offer in compromise?

8           MR. LEMMA DESALEGNE: Yes.

9           MR. DONOVAN W. ANDERSON: Are you aware  
10 that by accepting an offer in compromise that  
11 you're giving your right to a hearing?

12          MR. LEMMA DESALEGNE: Yes.

13          MR. DONOVAN W. ANDERSON: Do you also  
14 aware that by accepting the offer in compromise  
15 that you're giving up your right to appeal this  
16 matter?

17          MR. LEMMA DESALEGNE: Can you say that  
18 again?

19          MR. DONOVAN W. ANDERSON: Meaning that  
20 you cannot appeal this matter in court.

21          MR. LEMMA DESALEGNE: Oh, yes, (off-mic  
22 speaking).

1 MR. DONOVAN W. ANDERSON: Um -- so, the  
2 answer is "yes."

3 MR. LEMMA DESALEGNE: Yes.

4 MR. DONOVAN W. ANDERSON: All right. All  
5 right. Hearing that, I then make a motion that  
6 the offer in compromise of a fine of \$650,  
7 payable in 30 days, be accepted. If it's not  
8 payable in 30 days, the license will be  
9 suspended. Is there a second?

10 MR. JAMES SHORT: Second.

11 MR. DONOVAN W. ANDERSON: Mr. Short has  
12 seconded the motion. Are there any questions by  
13 any Board members?

14 MR. NICK ALBERTI: Um, I just want to --

15 MR. DONOVAN W. ANDERSON: Mr. Alberti.

16 MR. NICK ALBERTI: Yeah, I just want to  
17 confirm with Mr. Shapiro that, um, we have a show  
18 cause status hearing on July 27th --

19 MR. ZACHARY SHAPIRO: Correct.

20 MR. NICK ALBERTI: -- of this year? Is  
21 that correct?

22 MR. ZACHARY SHAPIRO: Correct. I -- Yes



1 seven point seven.

2 MR. NICK ALBERTI: Records show that --  
3 that no one appeared on behalf of the licensee?

4 MR. ZACHARY SHAPIRO: Correct.

5 MR. NICK ALBERTI: Thank you. I just want  
6 to make sure that we have that clear. Thank you.

7 MR. DONOVAN W. ANDERSON: Any other  
8 questions?

9 (No audible response)

10 MR. DONOVAN W. ANDERSON: Hearing none,  
11 all those in favor, say "aye."

12 (Chorus of "ayes")

13 MR. DONOVAN W. ANDERSON: All those  
14 opposed?

15 MR. NICK ALBERTI: Opposed.

16 MR. DONOVAN W. ANDERSON: The matter  
17 passed 4-1, with Mr. Alberti in opposition. All  
18 right. Thank you very much. We'll have you sign  
19 an agreement. Thank you.

20 MALE SPEAKER: Thank you.

21 MR. DONOVAN W. ANDERSON: Once you sign  
22 the document, sir -- But you can step back. Once

1     you --

2                   MR. LEMMA DESALEGNE:   Okay.

3                   MR. DONOVAN W. ANDERSON:  -- sign the  
4     document, then you can leave, okay?

5                   (Whereupon, the above-entitled matter was  
6     concluded.)